

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
ELKINS

DONTRELL JEROME HILL,

Petitioner,

v.

CIVIL ACTION NO. 2:14-CV-40
CRIMINAL ACTION NO. 2:02-CR-25

UNITED STATES OF AMERICA,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day, the above-styled matter came before the Court for consideration of the Report and Recommendation of United States Magistrate Judge Robert W. Trumble. By Standing Order, this action was referred to Magistrate Judge Trumble for submission of a proposed report and a recommendation ("R & R"). Magistrate Judge Trumble filed his R & R on February 23, 2016 [Civ. Doc. 11 / Crim. Doc. 88]. In that filing, the magistrate judge recommended that this Court deny the petitioner's § 2255 motion and to dismiss the case with prejudice.

Pursuant to 28 U.S.C. § 636(b)(1)(c), this Court is required to make a *de novo* review of those portions of the magistrate judge's findings to which objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of *de novo*

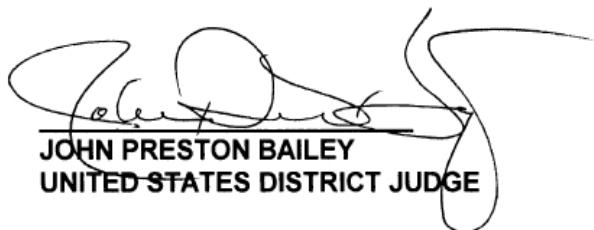
review and the right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); ***Snyder v. Ridenour***, 889 F.2d 1363, 1366 (4th Cir. 1989); ***United States v. Schronce***, 727 F.2d 91, 94 (4th Cir. 1984). Here, objections to Magistrate Judge Trumble's R & R were due within fourteen (14) days of its receipt, pursuant to 28 U.S.C. § 636(b)(1) and Fed.R.Civ.P. 72(b). The docket reflects that service was accepted at FCI McKean on February 26, 2016. See Civ. Doc. 12. Neither party filed objections. On March 9, 2016, this Court received a notice of "Return to Sender" of the mail as the petitioner is no longer at that address. Pursuant to this Court's Local Rules, however, the petitioner has a duty to update his address. Therefore, the report and recommendations will be reviewed for clear error.

Upon careful review of the report and recommendation, it is the opinion of this Court that the **Magistrate Judge's Report and Recommendation [Civ. Doc. 11 / Crim. Doc. 88]** should be, and is, hereby **ORDERED ADOPTED**. Accordingly, this Court **DENIES** the petitioner's § 2255 motion **[Civ. Doc. 1 / Crim. Doc. 69]** and **DISMISSES** it **WITH PREJUDICE**. As a final matter, the Motion for Extension **[Crim. Doc. 84]** is **MOOT**.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to any counsel of record and to mail a copy to the *pro se* petitioner.

DATED: March 22, 2016.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE